

# Exhibit A

**Exhibit A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ESPERION THERAPEUTICS, INC.,

Plaintiff,  
-against-

**CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER**

DAIICHI SANKYO EUROPE GMBH,

1:23-cv-02568 (ER)

Defendant.

----- X  
This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case is to be tried to a jury.
3. Joinder of additional parties must be accomplished by **October 16, 2023**.
4. Amended pleadings may be filed until **October 16, 2023**.
5. First interrogatories shall be served no later than **June 26, 2023**, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 **shall not** apply to this case.
6. First request for production of documents, if any, shall be served no later than **June 26, 2023**.
7. Document production should be substantially completed by **August 18, 2023**.
8. Non-expert depositions shall be completed by **October 13, 2023**.
  - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.

- c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
9. Any further interrogatories, including expert interrogatories, shall be served no later than **November 8, 2023**.
10. Requests to Admit, if any, shall be served no later than **November 8, 2023**.
11. Expert reports shall be served no later than **October 18, 2023**.
12. Rebuttal expert reports shall be served no later than **November 17, 2023**.
13. Expert depositions shall be completed by **December 11, 2023**.
14. **ALL DISCOVERY SHALL BE COMPLETED BY December 11, 2023**.
15. Pre-motion letters for dispositive motions shall be submitted by **December 18, 2023**.
16. Trial – **April 15, 2024 or a date to be determined by the Court.**
17. Any motions shall be filed in accordance with the Court's Individual Practices.
18. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
19. The Magistrate Judge assigned to this case is the Hon. Sarah Netburn.
20. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
21. The next case management conference is scheduled for \_\_\_\_\_, at \_\_\_\_\_.  
(The court will set this date at the initial conference.)

SO ORDERED.

Dated: New York, New York

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\_\_\_\_\_  
Edgardo Ramos, U.S. District Judge